

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WENGER S.A.,

Plaintiff.

v.

FUZHOU HUNTER PRODUCT IMPORT AND
EXPORT CO., LTD., KRUMMHOLZ
INTERNATIONAL, INC., SWISSDIGITAL
USA CO., LTD., SWISSGEAR SARL, and
ZHUJIAN "HUNTER" LI,

Defendants.

Civil Action No. 1:14-cv-00637-WMS-HKS

**DECLARATION OF SHUXIN HUANG IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS**

I, Shuxin Huang, declare as follows:

1. I am the principal and legal representative of Fuzhou Hunter Product Import and Export Co., Ltd. ("Fuzhou Hunter").
2. Fuzhou Hunter is a Chinese company with an address at Flat A-F and Flat J-I, 24 Fl. Block A Bldg. 1 Huakaifugui, No 36 Dong Da Rd., Fuzhou, Fujian, 350001.
3. Fuzhou Hunter is a manufacturing agent of travel bags and goods.
4. Fuzhou Hunter has never sold any products in the U.S. nor delivered products to the U.S. Fuzhou Hunter operates exclusively in China, where it coordinates the delivery of products between manufacturers and international shipping companies.
5. Fuzhou Hunter has never manufactured products for Krummholz International, Inc. ("Krummholz"), Swissdigital USA Co., Ltd. ("Swissdigital"), Swissgear Sarl, or any other entity and does not exercise any control over the activities of these parties.

6. Fuzhou Hunter has been an exhibitor and has had booths at a number of U.S. tradeshows marketing and promoting its services and capabilities as a manufacturing agent in China to U.S. companies. Because Fuzhou Hunter is a regular exhibitor it is given more competitive pricing and desirable space at the tradeshows.

7. Fuzhou Hunter was listed as an exhibitor at the Licensing Expo in Las Vegas on June 9-11, 2015, but did not have a booth at this tradeshow. Fuzhou Hunter rented its space to Swissdigital.

8. Krummholz and Swissdigital were able to secure better pricing and desirable space at the tradeshow by renting space from Fuzhou Hunter as opposed to securing space directly from the tradeshow organizers.

9. Fuzhou Hunter's website was created in China. It has been hosted and maintained in China at all times since its creation.

10. Fuzhou Hunter is the owner of a valid China registered trademark for the design incorporated in U.S. Trademark Reg. No. 4,462,487.

11. I obtained trademark status information from the World Intellectual Property Organization ("WIPO") through Fuzhou Hunter's trademark agent, Fujian Strait Trademark Service, Co., Ltd., regarding the status of Wenger S.A.'s international trademark applications. Wenger's internationally registered marks #1002196 and #1002196A (Swiss flags) were rejected in China on March 12, 2010. Wenger's mark #1023587 (Swiss flag) was rejected in China on October 19, 2010. Wenger's mark #978731 ("Swissgear") was rejected in China on October 23, 2012. Attached as Exhibit D is a true and correct copy of the document obtained from the WIPO website.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on January 4, 2017.

Shixin Huang
Shixin Huang